

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE G. DIAZ-DIAZ,

Defendant.

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CASE NO. 8:02CR164

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's motion for transcripts, pleadings and a copy of the docket sheet in this matter, as well as his motion for leave to proceed in forma pauperis (Filing No. 422).

The Defendant states that he needs the requested materials to prepare his postconviction motion. The request is denied as it relates to transcripts and pleadings because the Defendant has not supported his request with a statement of a "particularized need" for the materials. *United States v. Beasley*, 1998 WL 142146, at **1 (8th Cir. Mar. 26, 1998). However, a copy of the docket sheet will be provided to the Defendant.

The Defendant also attached to his motion for copies a motion for leave to proceed in forma pauperis. The request to proceed in forma pauperis is denied without prejudice as the motion was filed prematurely. If the Defendant files a timely motion pursuant to 28 U.S.C. § 2255 he may resubmit a motion for leave to proceed in forma pauperis with updated trust account information at that time.

IT IS ORDERED:

1. The Defendant's motion for transcripts, pleadings and a copy of the docket

sheet in this matter (Filing No. 422) is granted in part and denied in part as follows:

- a. the Clerk is directed to mail a copy of the docket sheet in this matter to the Defendant at the address reflected in the motion; and
 - b. otherwise, the requests for transcripts and pleadings is denied; and
2. The Defendant's motion for leave to proceed in forma pauperis (Filing No. 22) is denied without prejudice.

DATED this 8th day of June, 2005.

BY THE COURT:

S/Laurie Smith Camp
United States District Judge